

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SANDRA K. JOHNSTON, Ph. D. and
PAUL M. NIGL,

Plaintiffs,
v.
CATHY JESS, et al.

ORDER
Case No. 18-cv-882-bbc

Defendants.

Plaintiffs Sandra K. Johnston and Paul M. Nigl, a prisoner in the custody of the Wisconsin Department of Corrections, have submitted a proposed civil action under 42 U.S.C. § 1983 but have not paid the filing fees or requested leave to proceed without prepayment. For this case to proceed, each plaintiff must pay the \$400 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than November 29, 2018.

Because plaintiff Nigl is a prisoner, the motion for leave to proceed without prepayment of the filing fee by plaintiff Nigl must be accompanied by a certified copy of plaintiff Nigl's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the date of the complaint. 28 U.S.C. § 1915(a)(2). If I find that plaintiff Nigl is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff Nigl will be required to pay the balance of the filing fee in installments.

ORDER

IT IS ORDERED that plaintiffs Sandra K. Johnston and Paul M. Nigl may have until November 29, 2018 to each submit the \$400 filing fee or a motion for leave to proceed without prepayment of the filing fee. Plaintiff Nigl must also submit a trust fund account statement for the period beginning approximately April 26, 2018 and ending approximately October 26, 2018 if he files a motion for leave to proceed without prepayment. If, by November 29, 2018, either plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw from this action voluntarily.

Entered this 8th day of November, 2018.

BY THE COURT:

/s/

PETER OPPENEER
Magistrate Judge

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

Full name of plaintiff(s) or petitioner(s)

Case No. _____
(Provided by the clerk of court)

v.

Full name of defendant(s) or respondent(s)

**PETITION AND AFFIDAVIT TO PROCEED
WITHOUT PREPAYMENT OF FEES AND/OR COSTS**

I, _____, declare that I am the plaintiff or petitioner in the above-named action. In support of my request to proceed in forma pauperis, I declare that I am unable to pay the fees and/or costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion. I answer the following questions truthfully and under penalty of perjury (additional pages may be added, if necessary, to provide complete information):

I. Personal Information

1) Are you currently incarcerated? Yes No

If "No," go to question 2. Complete all sections.

If "Yes," answer questions (a), (b) & (c), skip to Section IV. Complete sections IV and V.

(a) State the place of your incarceration and provide your prisoner identification number:

(b) Are you employed at the institution? Yes No

(c) Do you receive any payment from the institution? Yes No

If you are a prisoner, attach a printout of your prison trust account statement showing transactions for the six-month period immediately preceding the filing of your complaint, motion, or petition and showing the balance of your release account. Prisoners who are permitted to file in forma pauperis must pay the full filing fee in installments.

Personal Information - continued

- 2) Are you employed? Yes No
- 3) Are you currently married? Yes No
 If "Yes," is your spouse employed? Yes No
- 4) Do you have any legal dependents (children/adults) whom you are responsible for supporting?
 Yes No

If "Yes," list them below:

<u>First and Last Initials (For Minor Children Only) or Name</u>	<u>Relationship to You</u>	<u>Age</u>	<u>Amount of Support Provided Per Month</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

II. Income - If you are married, your answers **must include your spouse's income.**

(When calculating income, you must include any salary, child support, public assistance, unemployment compensation, disability payments, life insurance payments, pensions, annuities, workers' compensation, stock dividends and interest, gifts, and inheritance, or other incoming monies.)

State your total *monthly* income? \$ _____

Provide the name of your employer(s): _____

State your spouse's total *monthly* income? \$ _____

State the amount of money you have received from any other source in the last twelve months (e.g., rent payments, pension or insurance payments, gifts, inheritance, disability or workers' compensation payments). Please attach an additional sheet if necessary.

<u>Source of income</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____

III. Expenses - If you are married and/or have dependents, *your expenses should also include your household's expenses.*

(When calculating household expenses, you may include groceries, clothing, medical costs, utilities which are not included in your rental payments, transportation, and insurance.)

- 1) Identify the following amounts that you pay per month:

Rent or Mortgage \$ _____

Car payment(s) \$ _____

Alimony and/or court-ordered child support \$ _____

Credit card payment(s) \$ _____

- 2) Do you have any other monthly expenses that you have not already identified?

Yes No

If "Yes," list them below:

<u>Expense</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

- 3) What is the total amount of your monthly expenses? \$ _____

IV. Property - If you are married, your answers must *include your spouse's property.*

- 1) Do you own a car? Yes No If "Yes," list car(s) below:

<u>Make and Model</u>	<u>Year</u>	<u>Approximate Current Value</u>
_____	_____	\$ _____
_____	_____	\$ _____

- 2) Do you own your residence(s)? Yes No

If "Yes," state the approximate value(s). \$ _____

What is the amount of equity (assessed value of residence minus outstanding mortgage balance) in the residence(s)? \$ _____

IV. Property - *continued*

3) Do you own any other valuable tangible property, including but not limited to, jewelry, artwork, or antiques? Yes No

If "Yes," identify the property and approximate value(s).

<u>Property</u>	<u>Approximate Value</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

4) Do you have any cash or checking, savings, or other similar accounts? Yes
 No

If "Yes," state the total amount of such sums. \$ _____

5) Do you own any intangible property, including but not limited to real estate, stocks, bonds, trusts, or individual retirement accounts (e.g., IRA, 401 k)?

Yes No

If "Yes," state the nature of that property and approximate value(s).

Date

Signature - Signed Under Penalty of Perjury